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SUBJECT: SPAIN: 1990 ANNUAL TERRORISM REPORT
REF: STATE 355397

11. THE FOLLOWING REPORT IS THE ANNUAL TERRORISM REPORT FOR SPAIN FOR 1990. RESPONSES ARE KEYED TO THE QUESTIONS IN REFTTEL.

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1A. PROSECUTIONS INVOLVING TERRORISM
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12. THE TWO MAJOR TERRORIST GROUPS IN SPAIN ARE THE EXTREMIST BASQUE SEPARATIST GROUP EUSKADI TA ASKATASUNA (ETA), OR BASQUE HOMELAND AND LIBERTY, AND THE SMALLER, BUT VIRULENT, FIRST OF OCTOBER ANTI-FASCIST RESISTANCE GROUPS (GRAPO). ETA HAS LIMITED INTERNATIONAL CONNECTIONS, PRIMARILY WITH BASQUES RESIDENT IN FRANCE, BUT CLAIMED RESPONSIBILITY IN 1990 FOR SEVERAL TERRORIST ACTS AGAINST SPANISH INSTALLATIONS IN THE NETHERLANDS. GRAPO, ALSO BASICALLY A DOMESTIC TERRORIST GROUP, HAS AT LEAST THE PUBLIC SYMPATHY OF THE GERMAN RED ARMY FACTION. TWO SMALLER TERRORIST GROUPS WERE ACTIVE IN 1990: TERRA LLIURE, A CATALAN SEPARATIST GROUP, AND THE GUERRILLA ARMY OF THE FREE GALICIAN PEOPLE (EGPGC), A GALICIAN NATIONALIST GROUP.

13. IN A MAJOR BREAKTHROUGH IN EARLY 1990, A HITHERTO UNKNOWN ETA TERRORIST NETWORK DIRECTED FROM FRANCE, KNOWN AS THE "ITINERANT COMMAND," WAS UNCOVERED AND SEVERAL KEY LEADERS ARRESTED. OVER A 12-YEAR PERIOD, THIS GROUP HAD BEEN RESPONSIBLE FOR SOME 40 TERRORIST BOMBINGS AND ASSASSINATIONS IN SPAIN. THE DISCOVERY OF THE NETWORK BEGAN WITH THE ARREST OF A FRENCH BASQUE, HENRI PAROT, IN SEVILLE IN APRIL PRIOR TO A PLANNED ETA ATTACK ON THE LOCAL HEADQUARTERS OF THE NATIONAL POLICE. AS A RESULT OF CLOSE COOPERATION BETWEEN SECURITY FORCES IN FRANCE AND SPAIN, OTHER MEMBERS OF THE ITINERANT COMMAND WERE LATER ARRESTED IN FRANCE.

14. NO MAJOR PROSECUTIONS OF INTERNATIONAL OR DOMESTIC TERRORISTS WERE CONCLUDED DURING 1990. HOWEVER, THE CRIMINAL JUSTICE SYSTEM IS CONTINUING ITS INVESTIGATIONS AND PRE-TRIAL PROCEDURES AGAINST MANY INCARCERATED TERRORISTS. AS OF SEPTEMBER 1990, 468 MEMBERS OF ETA WERE IN PRISON IN SPAIN, MANY OF THEM AWAITING TRIAL. THE GOVERNMENT HAS ALSO TAKEN ACTION AGAINST RIGHT-WING TERRORISTS. SEVERAL PERSONS, INCLUDING A NATIONAL POLICE OFFICER, ARE IN PREVENTIVE DETENTION PENDING PROSECUTION FOR THE MADRID ASSASSINATION OF A PRO-ETA BASQUE CONGRESSMAN IN LATE 1989; AND TWO OTHER NATIONAL POLICE OFFICERS ARE AWAITING TRIAL ON CHARGES OF ORGANIZING AN EXTREME RIGHT DEATH SQUAD OF THE ANTI-TERRORIST GROUPS FOR LIBERATION (GAL) THAT OPERATED IN SOUTHERN FRANCE FROM 1983 TO 11986. AUTHORITIES OBTAINED COURT ORDERS IN JULY TO EXTEND THEIR PREVENTIVE DETENTION FOR TWO YEARS. SPAIN IS ALSO PURSUING THE PROSECUTION OF THREE HIZBALLAH TERRORISTS ARRESTED IN NOVEMBER 1989 IN MADRID AND VALENCIA, DESPITE REPORTED WARNINGS BY HIZBALLAH SUPPORTERS IN LEBANON OF POSSIBLE TERRORIST ACTIONS AGAINST SPANISH TARGETS.

15. DELAYS IN PROSECUTION ARE NOT UNUSUAL FOR CRIMINAL CASES IN SPAIN. THE LAW PERMITS PREVENTIVE DETENTION FOR UP TO TWO YEARS PENDING TRIAL; HOWEVER, EVEN THIS LIMIT ON PREVENTIVE DETENTION MAY BE EXTENDED IN CASES INVOLVING SERIOUS CRIMES, SUCH AS TERRORISM.

¶6. IN 1990, SPANISH COURTS CONTINUED TO DEAL STERNLY WITH TERRORIST CASES, SUBJECT TO CONSTITUTIONAL RESTRAINTS. THE PUBLIC PROSECUTORS ROUTINELY SEEK STIFF PRISON SENTENCES FOR ACCUSED TERRORISTS. IN TWO RECENT CASES, FOR EXAMPLE, THE GOVERNMENT SOUGHT SENTENCES OF 240 YEARS FOR TWO ETA TERRORISTS FOR AN ALLEGED 1987 ATTACK AGAINST A POLICE CONVOY. HOWEVER, THE SPANISH CONSTITUTION LIMITS THE ACTUAL TIME SERVED TO A MAXIMUM OF 30 YEARS.

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¶B. EXTRADITIONS
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¶7. ETA TERRORISTS RESIDE IN MANY FOREIGN NATIONS, INCLUDING CAPE VERDE, CUBA, THE DOMINICAN REPUBLIC, ECUADOR, FRANCE, SAO TOME E PRINCIPE, AND VENEZUELA. OFTEN, THEY RESIDE ABROAD IN AN EXILE STATUS UNDER AGREEMENTS BETWEEN SPAIN AND THE HOST GOVERNMENT.

¶8. DURING 1990, SPAIN VIGOROUSLY PURSUED EFFORTS TO EXTRADITE ETA TERRORISTS FROM ABROAD, ESPECIALLY FROM FRANCE. IN MAY, FRANCE EXTRADITED JOSE RAMON MARTINEZ DE LA FUENTE ("TZORI") TO SPAIN; MARTINEZ HAD BEEN DETAINED IN FRANCE IN 1985. WITH THIS EXCEPTION, NO IMPORTANT ETA MEMBER RESIDENT IN FRANCE HAS BEEN EXTRADITED TO SPAIN.

¶9. IN OCTOBER 1990, FRANCE TURNED DOWN THREE MAJOR SPANISH EXTRADITION REQUESTS FOR ETA TERRORISTS. ONE INVOLVED JOSE ANTONIO URRUTICOETXEA BENGOTXEA ("JOSU TERNERA"), WHO WAS CONSIDERED A MAJOR ETA LEADER AT THE TIME OF HIS ARREST IN 1988. FRANCE DENIED THE EXTRADITION ON THE GROUNDS THAT MEMBERSHIP IN AN ARMED BAND WAS NOT SUFFICIENT TO JUSTIFY EXTRADITION. ANOTHER EXTRADITION REQUEST, THE SEVENTH ONE AGAINST SANTIAGO ARROSPIDE-SARASOLA ("SANTI POTROS"), WAS DENIED IN OCTOBER ON THE SAME GROUNDS, EVEN AS SPAIN FILED AN EIGHTH EXTRADITION REQUEST. THIS MAN HAS BEEN CONSIDERED A POLITICAL REFUGEE BY FRANCE SINCE 1982. IN A THIRD DECISION, THIS ONE INVOLVING JOSE LUIZ ARRIETA ZUBIMENDI ("AIZCOITI"), THE FRENCH COURT TERMED THE SPANISH EXTRADITION "WEAK" FOR FAILURE TO ALLEGE AND DOCUMENT SPECIFIC CRIMINAL CHARGES WITHIN THE REQUIRED TIME PERIOD, BUT LEFT OPEN THE POSSIBILITY OF SPAIN'S STRENGTHENING THE REQUEST.

¶10. IN FALL 1990, SPAIN REQUESTED THAT THE GOVERNMENT OF SAO TOME E PRINCIPE WITHDRAW DIPLOMATIC STATUS FROM SPANISH NATIONAL FRANCISCO PAESA SANCHEZ, WHO WAS SUSPECTED OF BEING INVOLVED WITH THE GAL, IN ORDER THAT PAESA MIGHT BE EXTRADITED TO SPAIN. PAESA SERVES AS REPRESENTATIVE OF SAO TOME E PRINCIPE TO U.N. AGENCIES IN GENEVA.

¶11. A MADRID COURT REPORTEDLY APPROVED IN SEPTEMBER 1989 A GOF REQUEST FOR THE EXTRADITION OF GEORGE MENDAILLE, ACCUSED OF RECRUITING GUNMEN INVOLVED IN GAL OPERATIONS IN FRANCE. SPANISH AUTHORITIES RELEASED MENDAILLE FROM PREVENTIVE DETENTION THIS SUMMER.

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¶C. IMPEDIMENTS TO PROSECUTION OR EXTRADITION
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¶12. THE PRINCIPAL IMPEDIMENT TO EXTRADITION FROM SPAIN IS THAT EXTRADITION WILL NOT BE GRANTED IF THE PERSON WOULD BE SUBJECT TO THE DEATH PENALTY. THIS PROBLEM HAS BEEN AVOIDED IN THE PAST BY AN UNDERTAKING BY THE REQUESTING COUNTRY THAT THE DEATH PENALTY WILL NOT BE SOUGHT IN THE CASE IN QUESTION.

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¶D. RESPONSES TO COMBAT TERRORISM
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¶13. THE SPANISH GOVERNMENT STRONGLY AND CONSISTENTLY OPPOSES TERRORISM. TERRORIST ACTS ARE VEHEMENTLY AND UNAMBIGUOUSLY CONDEMNED BY HIGH RANKING OFFICIALS IMMEDIATELY FOLLOWING ANY DOMESTIC INCIDENT.

¶14. THE GOVERNMENT OF SPAIN IS WAGING A STRONG CAMPAIGN AGAINST DOMESTIC SUPPORT OF TERRORISM. FOR EXAMPLE, IN EARLY

1990, THE GOVERNMENT INSTITUTED AN INTENSE DOMESTIC CAMPAIGN FOR CITIZEN ASSISTANCE IN APPREHENDING THE SIX GRAPO MEMBERS PRIMARILY RESPONSIBLE FOR THE INCREASED GRAPO TERRORIST ACTIVITY IN LATE 1989 AND EARLY 1990.

¶15. THE GOVERNMENT OF SPAIN HAS DISPERSED ETA PRISONERS THROUGHOUT THE SPANISH PRISON SYSTEM, IN AN EFFORT TO ISOLATE SUCH PRISONERS FROM EACH OTHER AND TO DENY THEM MUTUAL SUPPORT. FOLLOWING AN UPSURGE IN GRAPO ATTACKS IN LATE 1989 AND EARLY 1990, GRAPO PRISONERS WERE ALSO DISPERSED. WHEN GRAPO PRISONERS PROTESTED THIS DISPERSION BY A PROLONGED HUNGER STRIKE, SOME WERE FORCE-FED TO PREVENT DEATH, AN ACTION LATER UPHELD BY THE CONSTITUTIONAL COURT AS JUSTIFIED. SECURITY FORCES WERE PLACED ON HIGH ALERT AFTER ONE OF THE GRAPO HUNGER STRIKERS DIED, AND THEY HAVE REMAINED ON HIGH ALERT EVER SINCE.

¶16. THE SPANISH GOVERNMENT HAS ALSO OFFERED A LIMITED IMMUNITY PROGRAM FOR TERRORIST PRISONERS WHO WILL RENOUNCE THE USE OF FORCE. THIS "REINSERTION PROGRAM" IS DESIGNED NOT ONLY TO CONVINCE INDIVIDUAL TERRORISTS TO RENOUNCE TERRORISM AS A POLITICAL TOOL, BUT TO DIVIDE LOYALTIES WITHIN THE TERRORIST GROUPS. CURRENTLY, 17 OF THE MORE THAN 450 ETA PRISONERS HAVE TAKEN ADVANTAGE OF THIS OFFER AND ARE BEING HELD UNDER LOW SECURITY CONDITIONS; IN 1989, ONLY 2 PRISONERS WERE HELD UNDER SUCH LOW SECURITY CONDITIONS.

¶17. SPAIN HAS ALSO SOUGHT TO IMPEDE FUND RAISING ACTIVITIES BY TERRORISTS, BY MAKING IT MORE DIFFICULT TO COLLECT RANSOMS FROM THE FAMILIES AND BUSINESSES OF KIDNAP VICTIMS. SPANISH LAW MAKES IT ILLEGAL TO "COLLABORATE" WITH TERRORISTS BY PAYING A RANSOM. SEVERAL PERSONS WHO ACTED AS MIDDLEMEN IN THE PAYMENT OF RANSOM DEMANDS BY ETA WERE CHARGED WITH THIS OFFENSE IN MARCH 1990. THEY WERE ALSO UNDER SUSPICION AS PRINCIPALS IN A SERIES OF KIDNAPPINGS BY ETA.

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¶E. MAJOR COUNTERTERRORISM EFFORTS OF 1990
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¶18. THE MAJOR FOCUS OF SPAIN'S ANTI-TERRORISM ACTIVITIES HAS BEEN ETA AND GRAPO. NONETHELESS, THE ARREST IN NOVEMBER 1989 OF THE EIGHT HIZBALLAH TERRORISTS, TOGETHER WITH EXPLOSIVES, IN SPAIN BROUGHT AN INCREASED AWARENESS OF THE DANGER SUCH TRANSNATIONAL GROUPS MAY POSE WITHIN SPAIN. FOR EXAMPLE, FOLLOWING THIS ARREST, SPAIN SPONSORED AN INTERNATIONAL CONFERENCE TO DISCUSS THE HIZBALLAH TERRORIST ORGANIZATION. SPAIN ALSO COORDINATES ITS COUNTERTERRORIST EFFORTS THROUGH ITS ACTIVE MEMBERSHIP IN THE EC'S TREVI GROUP.

¶19. IN 1990, BILATERAL ANTI-TERRORISM COOPERATION IMPROVED MOST NOTABLY WITH FRANCE. THE MOST TANGIBLE RESULT WAS THE ARREST IN FRANCE AND SPAIN OF THREE OF THE FIVE LEADERS OF ETA'S ITINERANT COMMAND. SPAIN ALSO CONSULTS REGULARLY ON A BILATERAL BASIS WITH OTHER GOVERNMENTS, INCLUDING THE UNITED STATES.

¶20. DOMESTICALLY, SPAIN HAS TRIED TO IMPROVE THE QUALITY OF ITS POLICE OPERATIONS. COOPERATION BETWEEN REGIONAL AND NATIONAL POLICE FORCES HAS BEEN ESPECIALLY TARGETED AND THE BASQUE REGIONAL POLICE PARTICIPATED IN SOME NATIONAL POLICE OPERATIONS IN 1990.

¶21. WHEN A HIGHER THREAT OF TERRORISM HAS BEEN IDENTIFIED, SPANISH AUTHORITIES HAVE ATTEMPTED TO REDUCE THE RISK OF A SUCCESSFUL TERRORIST OPERATION. FOR EXAMPLE, SECURITY IN GOVERNMENT BUILDINGS WAS IMPROVED IN MID-1990 FOLLOWING A RASH OF SUCCESSFUL LETTER AND PACKAGE BOMBS. POLICE SECURITY IS MARKEDLY INCREASED FOR TOURIST SITES DURING THE SUMMER TOURIST SEASON; AND WHEN ETA THREATENED TO BOMB SPECIFIED RAILWAY LINES IN AUGUST, AS IT HAD DONE IN THE PAST, PASSENGER TRAFFIC WAS DIVERTED TO OTHER LINES WHENEVER POSSIBLE, IN ADDITION TO OTHER PRECAUTIONS. MORE RECENTLY, SECURITY AROUND U.S. AND SEVERAL OTHER FOREIGN INSTALLATIONS WAS INCREASED BECAUSE OF A HIGHER THREAT LEVEL OF MIDDLE EASTERN TERRORISM ARISING FROM EVENTS IN THE GULF.

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¶F. GOVERNMENT SUPPORT FOR INTERNATIONAL TERRORISM
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¶22. THE GOS DOES NOT SUPPORT, FINANCIALLY OR DIPLOMATICALLY, INTERNATIONAL TERRORIST ACTIVITIES. THE PLO MAINTAINS A REPRESENTATIVE OFFICE IN MADRID, BUT THAT OFFICE DOES NOT HAVE DIPLOMATIC STATUS. IN THE UNITED NATIONS, THE GOS HAS OPPOSED OBSERVER STATUS FOR THE PLO, AND THE GOS SUPPORTS EC SANCTIONS AGAINST LIBYA.

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¶G. PUBLIC STATEMENTS SUPPORTING TERRORISM
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¶23. THE GOS DOES NOT MAKE PUBLIC STATEMENTS IN SUPPORT OF A TERRORIST-SUPPORTING COUNTRY ON TERRORISM ISSUES.

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¶H. CHANGES IN SPANISH ATTITUDES TOWARDS TERRORISM
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¶24. DOMESTIC COUNTERTERRORISM, AIMED PRIMARILY AT ETA AND GRAPO, IS AN HIGH, PRIORITY EFFORT. OTHER TERRORIST THREATS HAVE NOT TRADITIONALLY BEEN VIEWED AS IMMEDIATE. HOWEVER, THE ARREST OF HIZBALLAH MEMBERS AND SEIZURE OF EXPLOSIVES IN NOVEMBER 1989 RAISED THE THREAT OF MIDDLE EAST TERRORISM IN SPAIN.

¶25. WITH THE ADVENT OF THE 1992 OLYMPIC GAMES IN BARCELONA AND THE WORLD'S FAIR IN SEVILLE, SPAIN IS INCREASINGLY AWARE AND CONCERNED ABOUT THE RISK OF TERRORIST ATTACKS IN CONNECTION WITH THOSE EVENTS. IN THIS REGARD, ETA THREATENED IN 1990 TO DISRUPT THE WORLD'S FAIR AND SENT A PACKAGE BOMB TO THE EXECUTIVE OFFICES OF THE WORLD'S FAIR IN SEVILLE.

ZAPPALA